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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/556,620	04/21/2000	Kyung-geun Lee	1293.1115/MDS	6772

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EXAMINER

VUONG, BACH Q

ART UNIT PAPER NUMBER

2653

DATE MAILED: 06/01/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/556,620

Applicant(s)

LEE ET AL.

Examiner

Bach Q Vuong

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-5, 12 and 23-35 is/are allowed.
- 6) ☒ Claim(s) 1, 6-8, 11 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 9, 10 and 17-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

This communication is responsive to an amendment filed on 03/23/2004

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6-8, 11, 13-15 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Mine (US 5,966,358).

Mine, according to Figs. 1-3, shows an optical disk drive comprising all features of the claimed invention as indicated below:

Regarding claim 1, see Figs. 2 and 3 which show a an optical recording medium to which user data is written and rewritten comprising: basic recording units (see recording medium in Fig. 2) in which the user data are seamlessly connected; and a predetermined area in which information, which is related to a defective area detected before the user data is recorded on the optical recording medium or while the optical recording medium is being used, is recorded; wherein a defective area data pattern is recorded in the defective area during the recording of the user data for seamless recording (see column 4 , line 43 through column 6, line 58).

Regarding claim 6, see Fig. 2 which shows the optical recording medium wherein the defective area data pattern is dummy data (see column 6, lines 25-58).

Art Unit: 2653

Regarding claim 7, see Fig. 2 which shows the optical recording medium wherein the defective area data pattern is the same as data in the part of an area preceding or succeeding the defective area.

Regarding claim 8, see Fig. 2 which shows the optical recording medium wherein the defective area data pattern is defined by a drive manufacturing company.

Regarding claim 11, see Fig. 2 and 3 which show a method of processing a defective area in an optical recording medium to which user data is written and rewritten and in which basic recording units (see recording medium in Fig. 2) are seamlessly connected, the method comprising: (a) recording a defective area data pattern in the defective area on the optical recording medium, detected before the user data area is recorded, to enable seamless recording of the user data during recording of the user data (see column 6, line 23-58).

Regarding claim 13, see the rejection applied to claim 6.

Regarding claim 14, see the rejection applied to claim 7.

Regarding claim 15, see the rejection applied to claim 8.

Regarding claim 16, see Figs. 2 and 3 which shows a method of processing a defective area in an optical recording medium to which user data is written and in which basic recording units are seamlessly connected. The method comprising: recording a defective area data pattern in the defective area on the optical recording medium to enable seamless recording of the user data during recording of the user data (see column 4, line 43 through column 6, line 58); detecting the defective area occurring before the user data is recorded on the optical recording medium or while the optical recording medium is being used; and recording information related

Art Unit: 2653

to the detected defective area in a predetermined area on the optical recording medium. (see column 4, line 43 through column 6, line 58)

Allowable Subject Matter

Claims 9, 10 and 17-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2-5, 12, 23-35 are allowed.

Response To Arguments

In response to Applicant's arguments filed 03/23/2004 related to the rejection under 35 USC-102 as being anticipated by Mine, Applicant is noted that Min does show basic recording units (see recording medium in Fig. 2) in which the user data are seamlessly connected; and a predetermined area in which information, which is related to a defective area detected before the user data is recorded on the optical recording medium or while the optical recording medium is being used, is recorded; wherein a defective area data pattern is recorded in the defective area during the recording of the user data for seamless recording (see column 4 , line 43 through column 6, line 58). Accordingly, Mine disclose all features as recited in each of claims 1, 11 and 16.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 2653

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

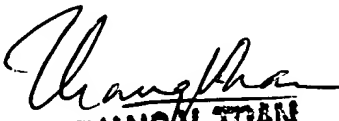
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bach Q Vuong whose telephone number is (703) 305-7355. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BV

May 26, 2004


THANG V. TRAN
PRIMARY EXAMINER